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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,348	12/27/2004	Mark Beckmann	112740-1040	2971
29177 7590 06/06/2008 BELI., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER				
MILLER, BRANDON J				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
06/06/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/519,348

**Applicant(s)**

BECKMANN ET AL.

**Examiner**

BRANDON J. MILLER

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Continued Examination Under 37 CFR 1.114***

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/27/2008 has been entered and claims 11-20 remain pending in the application.

### ***Prior Art Qualification***

II. The verified English translation of the German priority document 102 29 056.3 has been received and the priority claim is now perfected. Therefore, the present application receives the June 28, 2002 effective filing date of the German priority document 102 29 056.3 and predates the previously cited Shin (US 2004/0209638) reference.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

III. Claims 11, 14, 19, and 20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites “a method for transmitting at least one group message to at least one group of at least one radio communication devices” in lines 1-2. This limitation does not adequately describe the at least one group because “at least one radio communication device” does not constitute a group.

Claims 19 and 20 contain a limitation similar to claim 11 and are rejected under 35 U.S.C. 112, second paragraph given the same reasoning recited in claim 11 above.

Regarding claim 14, the phrase “may” renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The following art rejection is based on the best possible interpretation of the claim language in light of the rejections under 35 U.S.C. 112, second paragraph.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

IV. Claims 11 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shin (US 6,640,105 B1).

Regarding claim 11 Shin teaches a method for transmitting at least one group message to at least one group of at least one radio communication device in at least one radio cell of a radio communication network operating according to a universal mobile telecommunication system

standard (see col. 4, lines 51-54). Shin teaches transmitting at least one linked set of data during at least one time interval from at least one dedicated transport channel to a coded composite transport multiplex channel (see col. 5, lines 7-10 & 28-31 and FIG. 2). Shin teaches determining permitted data sets with a flag which is identifiable via a first indicator, wherein the first indicator is assigned to at least one group during a time interval (see col. 5, lines 7-10).

Regarding claim 18 Shin teaches transmitting allocation of a transmission time and parameters of the at least one group message to a specific group via a CCH common channel assigned to the at least one dedicated shared transport channel (see col. 4, lines 50-67).

Regarding claim 19 Shin teaches a network controller for transmitting at least one group message to at least one group of at least one radio communication device in at least one radio cell of a radio communication network operating according to a universal mobile telecommunication system standard (see col. 4, lines 51-54). Shin teaches transmitting at least one linked set of data during at least one time interval from at least one dedicated shared transport channel to a coded composite transport multiplex channel (see col. 5, lines 7-10 & 28-31 and FIG. 2). Shin teaches determining permitted data sets with a flag which is identifiable via a first indicator, wherein the first indicator is assigned to at least one group during a time interval (see col. 5, lines 7-10).

Regarding claim 20 Shin teaches a radio communication device for receiving at least one group message to at least one group of at least one radio communication device in at least one radio cell of a radio communication network operating according to a universal mobile telecommunication system standard (see col. 4, lines 51-54). Shin teaches transmitting at least one linked set of data during at least one time interval from at least one dedicated shared transport channel to a coded composite transport multiplex channel (see col. 5, lines 7-10 & 28-

31 and FIG. 2). Shin teaches determining permitted data sets with a flag which is identifiable via a first indicator, wherein the first indicator is assigned to at least one group during a time interval (see col. 5, lines 7-10).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

V. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

VI. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US 2004/0209638 A1) in view of Speight (US 2003/0069020 A1).

Regarding claim 12 Shin teaches a device as recited in claim 11 except for storing at least one item of assignment information, organized in table form, for the assignment of the first indicator to at least one group. Shin does teach at least one item of assignment information for the assignment of a first indicator to at least one group (see col. 5, lines 7-10). Speight teaches storing at least one item of assignment information in table form (see paragraph [0069]). It would have been obvious to one of ordinary skill in the art to make the device in Shin adapt to include storing assignment information in table form because the method of organization is a design choice and mobile radio systems as taught in both references commonly include information stored in table form.

Regarding claim 13 Shin teaches a device as recited in claim 11 except for storing at least one item of assignment information, organized in list form, for the assignment of the first indicator to at least one group. Shin does teach at least one item of assignment information for the assignment of a first indicator to at least one group (see col. 5, lines 7-10). Speight teaches storing at least one item of assignment information in table form (see paragraph [0069]). It would have been obvious to one of ordinary skill in the art to make the device in Shin adapt to include storing assignment information in list form because the method of organization is a design choice and mobile radio systems as taught in both references commonly include information stored in list form.

VII. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US 2004/0209638 A1) in view of Anderson (US 2004/0043783 A1).

Regarding claim 14 Shin teaches a device as recited in claim 11 except for wherein assignment information for the assignment of the first indicator is configured such that the flag may be determined from the assignment information for the at least one radio communication device assigned to the at least one group according to a first algorithm. Anderson teaches assigning all radio communication devices of a first region to a first group (see FIG. 3). Anderson teaches a selection algorithm (see paragraph [0169]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include assigning according to an algorithm because it would allow for the indicators to be more efficiently assigned.

Regarding claim 15 Shin teaches a device as recited in claim 14 except for wherein radio communication devices that are not part of the at least one group pause during the time interval according to a first algorithm. Anderson teaches radio communication devices assigned to a group (see FIG. 3). Anderson teaches radio communication devices that pause during a time interval (see paragraph [0145]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include wherein radio communication devices that are not part of the at least one group pause during the time interval according to a first algorithm because it would allow for improved saving of system resources (see Shin, paragraph [0008]).

Regarding claim 16 Shin teaches a device as recited in claim 11 except for assigning all radio communication devices of a first region to a first group, wherein the at least one group



message is sent to the radio communication devices assigned to at least the first group in the form of a broadcast message. Shin does teach wherein the at least one group message is sent to the radio communication devices in the form of a broadcast message (see col. 4, lines 51-54). Anderson teaches assigning all radio communication devices of a first region to a first group (see FIG. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include assigning all radio communication devices of a first region to a first group as taught in Anderson because such assignment is common and well known in the communications system of Shin.

VIII. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US 2004/0209638 A1) in view of Parmar et al. (US 6,725,039 B1).

Regarding claim 17 Shin teaches a device as recited in claim 11 except for registering radio communication devices with at least one group, wherein the at least one group message is sent to all radio communication devices of a respective group in a form of a multicast message. Parmar teaches registering radio communication devices with at least one group, wherein the at least one group message is sent to all radio communication devices of a respective group in a form of a multicast message (see col. 7, lines 25-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include registering communication devices as taught in Parmar because such registration is common and well known in the communications system of Shin.

***Response to Arguments***

IX. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

X. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/Brandon J Miller/  
Examiner, Art Unit 2617

June 5, 2008